

VIRGINIA COMMUNICATIONS, INC.

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September 19, 2008

Ms. Marlene H. Dortch
Secretary
Federal Communications Commission
445 Twelfth Street, SW
Washington, DC 20554

Re: WT Docket No. 03-66 and ET Docket No. 00-258

WRITTEN EX PARTE PRESENTATION

Dear Ms. Dortch:

In its pending Petition for Reconsideration in the above-referenced proceedings, the Wireless Communications Association International, Inc. ("WCA") has urged the Commission to confirm that a Broadband Radio Service ("BRS") channel 1 or 2 licensee is authorized to simultaneously use its current 2.1 GHz band spectrum and its designated spectrum assignment under that new, post-transition 2.5 GHz band plan until all of its subscribers have been successfully migrated to the 2.5 GHz band. Virginia Communication Inc. agrees with WCA, and urges the Commission to grant WCA's petition promptly.

Not surprisingly, the pleading cycle on WCA's petition has closed without anyone objecting to issuance of the clarification that WCA has suggested. As WCA discussed in detail in its filing, the Commission allows BRS channel 1 and 2 licensees to simultaneously use their current 2.1 GHz band spectrum and their designated spectrum assignment under that pre-transition 2.5 GHz band plan. The same rationale for allowing dual operations in a pre-transition market applies in a post-transition market – absent simultaneous operations at both 2.1 GHz and 2.5 GHz, a system operator would be forced to undertake a flash cut approach that the Commission has recognized is "impossible."

Virginia Communication Inc. is currently utilizing 2.1 GHz band spectrum in an area that has already transitioned to the new band plan. Absent simultaneous access to the 2.1 GHz band spectrum we are currently using and the designated replacement spectrum in the 2.5 GHz band, our eventual migration will impose severe service disruptions on our customers, will take much longer than necessary, and will be far more expensive for the Advanced Wireless Service licensees that must pay the costs of that migration.

For these reasons, Virginia Communication Inc. urges the Commission to promptly adopt WCA's Petition.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Bruce Merrill". The signature is written in a cursive, flowing style.

Bruce Merrill
Virginia Communication Inc

cc: Paul J. Sinderbrand